

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

CHILDRENS HEALTH INSURANCE PROGRAM

PREAMBLE

1. Sections Affected

Rulemaking Action

R9-31-501

Amend

R9-31-502

Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 36-2986

Implementing statute: A.R.S. § 36-2986

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 14 A.A.R. [Editor to fill in (page #), (date)]

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Mariaelena Ugarte

Address: AHCCCS

Office of Legal Assistance

701 E. Jefferson, Mail Drop 6200

Phoenix, AZ 85034

Telephone: (602) 417-4693

Fax: (602) 253-9115

E-mail: AHCCCSRules@azahcccs.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The Administration is proposing rule changes as a result of a 5 Year Rule Review recently conducted and changes were recommended. The topics requiring an update are: describing preexisting condition and included other technical changes as needed.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the

rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No study was reviewed or relied upon for this rulemaking.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Administration anticipates that there will be no economic impact as a result of the rule changes. The changes provide clarification of current processes and technical updates, therefore not requiring a change in practices for those affected by the rulemaking.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov

Proposed rule language will be available on the AHCCCS website www.azahcccs.gov the week of July 14, 2008. Please send written comments to the above address by 5:00 p.m., September 2, 2008. E-mail comments will also be accepted during this timeframe.

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: September 2, 2008
Time: 2:00 p.m.
Location: AHCCCS
701 East Jefferson
Phoenix, AZ 85034
Nature: Public Hearing

Date: September 2, 2008
Time: 2:00 p.m.
Location: ALTCS: Arizona Long-Term Care System

1010 N. Finance Center Dr, Suite 201
Tucson, AZ 85710
Nature: Public Hearing

Date: September 2, 2008
Time: 2:00 p.m.
Location: ALTCS: Arizona Long-Term Care System
3480 East Route 66
Flagstaff, AZ 86004
Nature: Public Hearing

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

CHILDREN'S HEALTH INSURANCE PROGRAM

ARTICLE 5. GENERAL PROVISIONS AND STANDARDS

Section

R9-31-501. General Provisions and Standards - related Definitions

R9-31-502. Pre-existing Conditions

ARTICLE 5. GENERAL PROVISIONS AND STANDARDS

R9-31-501. General Provisions and Standards - related Definitions

Definitions. In this Chapter, unless the context explicitly requires another meaning: ~~"pre-existing condition" means an illness or injury that is diagnosed or treated within a six month period before the effective date of coverage.~~ are defined in R9-31-101 or cross-referenced to the appropriate location of the definition.

R9-31-502. Pre-existing Conditions

~~A. Pre-existing conditions. The Administration shall not deny eligibility for the program based on a child having a pre-existing medical condition as defined in R9-31-501.~~

~~B. A contractor or subcontractor shall not adopt or use any procedure to identify individuals who have an existing, pre-existing or anticipated medical or psychiatric condition to discourage or exclude the individuals from enrolling in the contractor's health plan or encourage the individuals to enroll in another health plan.~~

A contractor must follow the pre-existing condition requirements as described in A.A.C. R9-22-502.